

**Response**

On page 3 of the Office Action, the Examiner stated the “specification nowhere states that, in the first step while establishing communication for the primary transaction data between the user and the system, the communication was directed only to those items which are currently available, as recited in the claim 172.”

Applicant respectfully directs the Examiner to the following portions of the instant application:

- 1) p.14, line 9: “Yet another possible input to the system includes inventory data. Such data serves to minimize or preclude the offering of goods or services to a potential customer which are not then available, or which will not be available in a timely manner.”
- 2) p.32, line 4: “Yet another form of database information includes inventory data 336. In determining the items for Upsell, the inventory database may be consulted before, during, or after the Upsell determination.

As such Applicant believes claim 172 is in condition for allowance and all the claims that depend from claim 172 are also in condition for allowance and respectfully requests they be placed in condition for allowance.

Appl. No. 09/505,619  
Amdt. Dated 09/20/2006  
Reply to Office action of 06/20/2006

Respectfully submitted,

WEST CORPORATION

Date: September 20, 2006

By: /Raffi Gostanian/  
Raffi Gostanian  
Reg. No. 42,595  
Tel: 972.849.1310



**29129**

PATENT & TRADEMARK OFFICE

11808 Miracle Hills Drive  
Omaha, Nebraska 68154  
(402) 965-7077